

# Notice of Allowability

Application No.

10/527,843

Examiner

Helene Klemanski

Applicant(s)

KITAYAMA ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed August 30, 2006.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Helene Klemanski*  
HELENE KLEMANSKI  
PRIMARY EXAMINER  
GROUP 7100

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

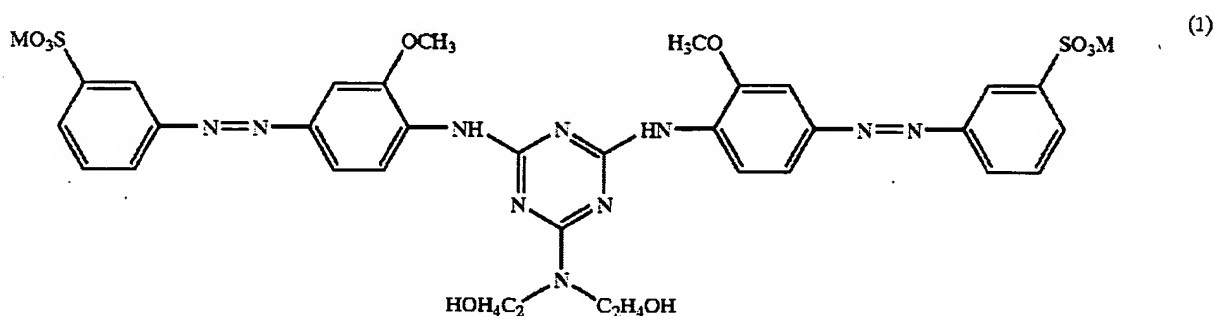
The application has been amended as follows:

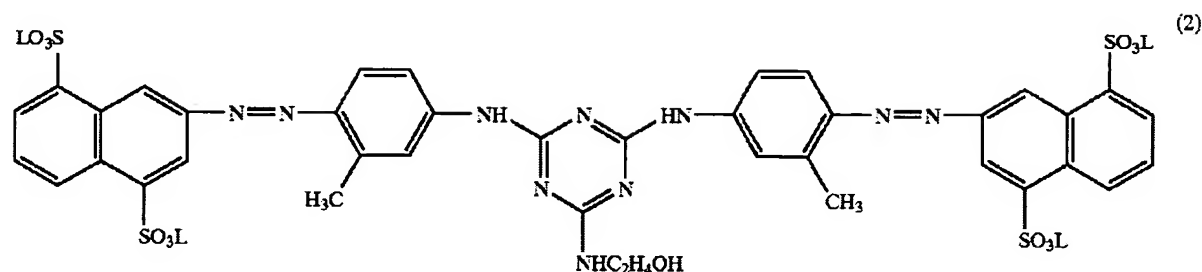
In claim 1, the first line after formula (1), the term "m" should be replaced with the term "M".

In claim 5, line 1, the term "The" has been replaced with the term "An".

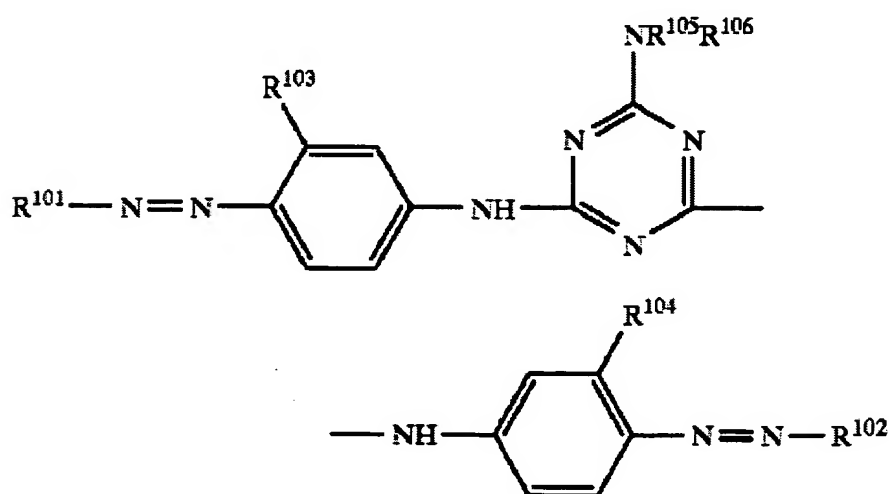
### Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance: This application teaches a dye composition comprising the compounds represented by the following formulae (1) and (2):



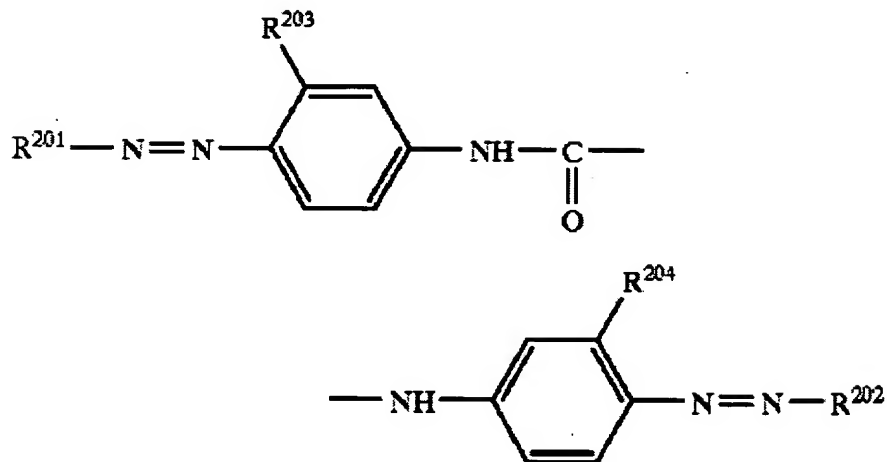


wherein M and L respectively represents H, an alkali metal, an alkali earth metal, a cation of an organic amine or an ammonium ion and a water-based ink composition comprising the above dye composition. The closest prior art of record is US Patent No. 5,948,154, issued to Hayashi et al., which teaches a yellow ink composition comprising a dye of the formula (XI)



wherein  $R^{101}$  and  $R^{102}$  each independently represent phenyl or naphthyl substituted with a  $SO_3M$  group;  $R^{103}$  and  $R^{104}$  each independently represent H, alkyl or methoxy;  $R^{105}$  and  $R^{106}$  each independently represent H, hydroxyl or  $C_2H_4OH$  and M represents an alkali metal, ammonium or organic amine and a dye of the formula (XII)

Art Unit: 1755



wherein  $\text{R}^{201}$  and  $\text{R}^{202}$  each independently represent phenyl or naphthyl substituted with a substituent selected from the group consisting of OH,  $\text{SO}_3\text{M}$  or  $\text{COOM}$  group;  $\text{R}^{203}$  and  $\text{R}^{204}$  each independently represent H, alkyl or methoxy and M represents an alkali metal, ammonium or organic amine but fail to teach or fairly suggest the addition of a dye of the above formula (1) since the dyes of Hayashi et al. do not have a methoxy group at the ortho position of the phenyl ring to the amine group as claimed by applicants. Furthermore, applicants have provided evidence in the specification that the combination of the dyes of the above formulae (1) and (2) of the instant claims provides an ink composition having superior long-term storage stability in aqueous solution as compared to an ink composition containing a dye of the above formula (1) or an ink composition containing a dye of the above formula (2). See Example 3 in Table 1 and Comparative Examples 1 and 2 in the specification. Accordingly, the application is allowable.

Art Unit: 1755

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

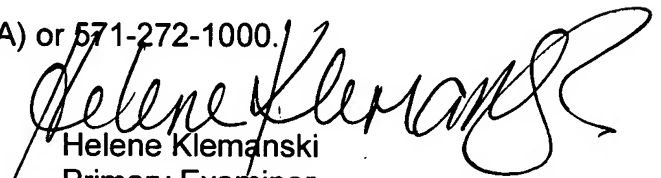
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Helene Klemanski  
Primary Examiner  
Art Unit 1755

  
HK  
September 21, 2006